

PATENT
Confirmation No. 5104

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lin et al. Examiner: Unassigned

Serial No.: 10/613,225 Group Art Unit: 3736

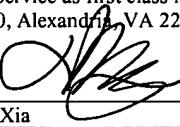
Filed: July 3, 2003 Docket No.: 14506-44089

Title: Apparatus and Methods of Detection of Radiation Injury Using Optical Spectroscopy

TRANSMITTAL

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 24, 2004.

By: 
Name: Tim Tingkang Xia

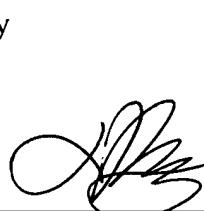
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

- Transmittal Sheet containing Certificate of Mailing
- Request for Corrected Filing Receipt
- Copy of Filing Receipt Showing Corrections
- Courtesy Copy of Combined Declaration & Power of Attorney
- Return postcard

MORRIS, MANNING & MARTIN, LLP
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By: 
Name: Tim Tingkang Xia
Reg. No.: 45,242
TX

S/N 10/613,225



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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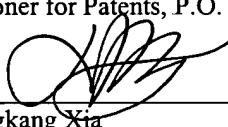
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By: 

Name: Tim Tingkang Xia

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is a copy of the filing receipt from the United States Patent and Trademark Office in the above-identified application showing requested corrections. The filing receipt is erroneous in the following respects as reflected in the papers originally filed: the fifth inventor's state information is incorrect.

The fifth inventor's state should be "TN" (Tennessee), not "TX" (Texas).

We enclose a courtesy copy of the originally filed Combined Declaration and Power of Attorney in which the inventor information is stated correctly.

Correction of the records of the United States Patent and Trademark Office and issuance
of a corrected filing receipt are respectfully solicited. No fee is believed to be due.

Respectfully submitted,

MORRIS, MANNING & MARTIN, LLP



Tim Tingkang Xia
Reg. No. 45,242
TTX

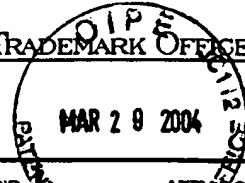
Date: March 24, 2004

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DOCKED 2/10/04



UNITED STATES PATENT AND TRADEMARK OFFICE



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY/DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/613,225	07/03/2003	3736	761	00063.0002US01 14506-44089	7	45	5

23552
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COPY

CONFIRMATION NO. 5104

UPDATED FILING RECEIPT



OC000000011683503

Date Mailed: 01/14/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Wei-Chiang Lin, Nashville, TN;
 Steven A. Toms, Lake Oswego, OR;
 Anita Mahadevan-Jansen, Nashville, TN;
 Paul J. Phillips, Knoxville, TN;
 Mahlon Johnson, Nashville, TN;
 Robert J. Weil, Nashville, TN.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/394,217 07/05/2002

Foreign Applications

If Required, Foreign Filing License Granted: 10/03/2003

Projected Publication Date: 04/22/2004

PCT, C.I.P., I.P.C.,
W.H.O. (PCT/US03/03503)

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

D

Apparatus and methods of detection of radiation injury using optical spectroscopy

Preliminary Class

600

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Apparatus and Methods of Detection of Radiation Injury using Optical Spectroscopy

The specification of which

a. is attached hereto
 b. was filed on July 3, 2003 as application serial no. 10/613,225 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. no such applications have been filed.
 b. such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/394,217	07/05/2002

COPY

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Ali, M. Jeffer	Reg. No. 46,359	Kowalchyk, Katherine M.	Reg. No. 36,848
Altera, Allan G.	Reg. No. 40,274	Lamberty, Michael	Reg. No. 50,760
Anderson, Gregg I.	Reg. No. 28,828	Larson, James A.	Reg. No. 40,443
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Beard, John L.	Reg. No. 27,612	Leach III, Thomas J.	Reg. No. P-53,188
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Bortolotti, Rebecca	Reg. No. 51,488	McDonald, Daniel W.	Reg. No. 32,044
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Daley, Dennis R.	Reg. No. 34,994	Qualey, Terry	Reg. No. 25,148
Daley, William J.	Reg. No. 52,471	Randall, Joshua N.	Reg. No. 50,719
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Epp Ryan, Sandra	Reg. No. 39,667	Schumann, Michael D.	Reg. No. 30,422
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Hamre, Curtis B.	Reg. No. 29,165	Underhill, Albert L.	Reg. No. 27,403
Hennings, Mark	Reg. No. 48,982	Vidovich, Kristin K.	Reg. No. 41,448
Hertzberg, Brett A.	Reg. No. 42,660	Wahl, John R.	Reg. No. 33,044
Hillson, Randall A.	Reg. No. 31,838	Welter, Paul A.	Reg. No. 20,890
Hope, Leonard J.	Reg. No. 44,774	Whitaker, John E.	Reg. No. 42,222
Hornsby, III, Alton	Reg. No. 47,299	Wiegand, Jamie	Reg. No. 52,361
Jacobson, Charles A.	Reg. No. 53,061	Wier, David D.	Reg. No. 48,229
Johns, Nicholas P.	Reg. No. 48,995	Williams, Douglas J.	Reg. No. 27,054
Johnston, Scott W.	Reg. No. 39,721	Withers, James D.	Reg. No. 40,376
Kalinsky, Robert A.	Reg. No. 50,471	Wong, Bryan A.	Reg. No. 50,836
Kelly, Zachary J.	Reg. No. 53,108	Wong, Thomas S.	Reg. No. 48,577
Kettelberger, Denise	Reg. No. 33,924	Xia, Tim Tingkang	Reg. No. 45,242
Keys, Jeramie J.	Reg. No. 42,724	Zeuli, Anthony R.	Reg. No. 45,255
Knearl, Homer L.	Reg. No. 21,197		
Korver, Joshua W.	Reg. No. 51,894		
Kowalchyk, Alan W.	Reg. No. 31,535		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys. Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
Customer No. 23552

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Lin	First Given Name Wei-Chiang	Second Given Name
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Signature of Inventor 201:

Date: 11/03/2003

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Signature of Inventor 202:

Date: 11/14/2003

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Date: 12/02/03

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Date: 3 November 2003

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Mahlon Johnson

Date:

11/19/03

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Signature of Inventor 206:

Tom Well

Date:

11/3/2003